

STATEMENT OF CODE COMPLAINE
WCF CONDITIONAL USE APPLICATION (TYPE III)
AT&T WL4557 WALLA WALLA MILL CREEK

Submitted to Walla Walla, WA
Development Services
February 21, 2023

AT&T's proposal complies with all applicable requirements of the Walla Walla Municipal Code (WWMC), which are address in this Statement of Code Compliance in the following order:

Wireless Facilities Requirements

- Chapter 20.100.040.I, Utilities Land Use Table (as revised by Ordinance No. 2022-26)
- Chapter 20.170, Wireless Communication Facilities (as revised by Ordinance No. 2022-26)

General Requirements

- Chapter 20.50.020 RN Zone - Neighborhood Residential
- Chapter 20.216 Conditional Use

PLEASE NOTE: AT&T's responses to the above referenced criteria are indicated below each applicable provision in ***bold italicized blue text***.

Wireless Facilities Requirements

A. 20.100.040.I Utilities Land Use Table (Per Ordinance No. 2022-26 revisions)

Land Uses	Zoning Districts							
	RN	RM	PR	CC	CH	IL/C	IH	AD
Power Generating Facilities	x	x	x	x	x	x	5	5
Local Utility Service Systems	3	3	1	1	1	1	1	1
Regional Transmission Storage/Collection Systems	3	3	3	3	3	3	3	3
Wireless Communications Facilities & Related Structures (1)	3	3	3	1	1	1	1	1
Large Satellite Dish Antennas (1)	x	x	2	2	2	2	2	2
NOTES: 1. Subject to specific regulations provided in Chapter 21.170.								

Response: *Wireless Communication Facilities (WCFs) located in the RN zone require a Level III Conditional Use permit review. The applicant has submitted this request under these regulations.*

20.170 Wireless Communications Facilities**Section 20.170.010 Purpose.**

- A. The purpose of this Chapter is to establish appropriate locations, site development standards, and permit requirements to allow for wireless communications services to the residents of the City, in a manner which will facilitate the location of various types of wireless communication facilities in permitted locations so that they are consistent with the character of the City in general and the land use zones within which they are located.
- B. In addition to implementing the general purposes of the Comprehensive Plan and development regulations, this Chapter addresses the issues of appearance and safety associated with antenna support structures, alternative antenna support structures, wireless communication facilities, amateur radio towers, monopoles, satellite dish antennas, and related equipment. It provides adequate siting opportunities at appropriate locations within the City to support existing communications technologies and to encourage new technologies as needed for Walla Walla businesses and institutions to stay competitive.
- C. A wide range of locations and options for the provision of wireless service which minimize safety hazards and visual impacts sometimes associated with wireless communication facilities are provided. The siting of facilities on existing buildings or structures, colocation of communication facilities, and visual mitigation tactics are encouraged to preserve neighborhood aesthetics and reduce visual clutter in the community. This Chapter, together with applicable provisions of the International Building Code, the National Electrical Code, and Title 12 of the Walla Walla Municipal Code, is also intended to protect the public rights-of-way from excessive invasion and disruption and to permit wireless communications service providers reasonable use of such rights-of-way for the purpose of providing wireless and wired communications services.

Response: The purpose of this Chapter is noted and understood. AT&T is proposing a 65-foot monopine to be located towards the rear area of an existing church property. The proposed monopine design was chosen to blend with existing trees and reduce visual impacts on the surrounding properties. To further reduce visual impacts, AT&T is providing perimeter landscaping (evergreen) along the west and south property lines. Around the entire fenced compound, there will be additional plantings (evergreen) to screen the equipment from all sides.

As detailed in AT&T's application, the Statement of Code Compliance, AT&T's proposal complies with all applicable standards for new towers in residential zones. There were no other poles or structures available at this height within the search ring. The monopine is designed to allow other carriers onto the structure to reduce proliferation of towers in this neighborhood.

Section 20.170.020 Definitions. (Omitted)

Section 20.170.030 Permits and exemptions.

- A. Permits Required. Permits are required for all wireless communications facilities. Permits and development standards for small wireless facilities are addressed in Chapters 5.02 and 20.171. Permits and development standards for wireless communication facilities proposed as Eligible Facilities Requests are provided under Section 20.171. 080.
- B. Structural Permits. Building permits and mechanical permits are required for all wireless communications facilities unless specifically exempted under subsection C of this section, Exemptions.
- C. Exemptions. The following antennas shall be exempt from permit requirements:
 - 1. VHF and UHF receive- only television antennas: VHF and UHF receive- only antennas shall not be required to obtain a building permit. VHF/ UHF antennas shall be restricted to a height limit of no more than fifteen feet above the existing or proposed roof.
 - 2. Small satellite dishes.
 - 3. Temporary wireless facilities for the following purposes:
 - a. In response to a declaration of public emergency, if approved by the City Manager or designee.
 - b. To provide coverage for an officially sanctioned public event.
 - c. For purposes of this subsection, " temporary" means no more than 90 days unless extended by the City.

Response: Agreed. AT&T will submit applications for approval of all required permits.

20. 170. 032 Permit applications.

Any wireless communications service provider wishing to receive authorizations and permits to develop and operate a wireless communications facility or a person wishing to receive authorizations and permits to develop and operate an amateur radio tower in the city of Walla Walla shall submit an application package to city development services that contains the following information:

- A. A permit application signed by the property owner.

Response: Please see submitted Letter of Authorization (LOA) signed by ownership of the church (Attachment 4).

- B. Name, address, contact person and contact information for the entity seeking authorization and permits, including copies of all current licenses and authorizations required to provide wireless communications services in the city of Walla Walla.

Response: Please see the Project Narrative (Attachment 1), signed application (Attachment 3) and AT&T FCC License (Attachment 13).

- C. Complete description, including technical diagrams and specifications, photos, depictions, and plans of the proposed wireless communications facility or facilities, and a complete description of the services to be provided by such facilities.

***Response:** This information is provided in several submitted materials, including this document. Technical information concerning this proposal, with respect to RF information, justification, and coverage objectives are found in **Attachment 15**. This document explains the search ring parameters and how AT&T is working to improve its network in this area. The maps provided show “before” and “after” service coverage areas, including where there are existing AT&T facilities nearby.*

*In addition to these RF materials, the application includes phot-simulations of existing and after views from varying points in the neighborhood—**Attachment 14**. Please also refer to **Attachment 17 - Zoning Plan Set** for more details.*

- D. A site map depicting the location of the proposed facility and drawings or renderings depicting the antenna support structure or alternative antenna support structure and its appearance from street level from north, south, east, and west perspectives. The drawings should be produced with the purpose of showing the proposed facility from adjacent and nearby properties as it will appear when completed, including any proposed features to conceal, camouflage, or visually blend the proposed facility into its surroundings.

***Response:** Please see **Attachment 17 - Zoning Plan Set** and **Attachment 14 - Photo-Simulations**.*

- E. A complete discussion of the following;

1. Why the applicant selected the proposed site, including technical analysis, which explains why other sites are not satisfactory for the proposed facility;

***Response:** In **Attachment 15 – RF Justification**, a search ring is provided by the RF engineers that build the AT&T network. This search ring identifies the area where a new wireless communication facility may be located to provide effective service within the Targeted Service Area. The applicant identified several properties within the Targeted Service area that could meet the coverage objective and development regulations. The site chosen (present application) is in the center of the search ring and addresses both coverage and capacity in all directions. See **Attachment 20 – Alternative Sites Analysis** for in-depth analysis on why the other sites were infeasible and/or unavailable for the proposed facility.*

2. If the applicant is proposing a site with no other WCFs present, explain why collocation is not technically feasible, unavailable, or is otherwise unsuitable;

Response: *There are no structures within the RF search ring that are tall enough to collocate onto and satisfy the necessary coverage and capacity objectives. The initial design was for an 80-foot pole. However, it has been reduced to 65 feet to meet the code requirements of the city. See Attachment 15 – RF Justification and Attachment 18 – Alternative Sites Analysis.*

3. A comparison of service to be provided by the facility with services provided by the applicant's other facilities in the city, including service features, coverage, or capacity needs, plans for new or added services, potential interference with radio transmissions for emergency services, and related services;

Response: *See Attachment 15 – RF Justification. The report outlines the service objectives and where coverage and capacity need to be improved within the network and it explains how this facility will meet these objectives. Additionally, it shows the location of existing AT&T facilities (which are concentrated to the west of the proposed facility).*

As detailed in Attachment 16 – ATT Compliancy Statement there are no potential interferences with existing radio transmissions and other emergency services.¹

4. A description of stealth design and technologies and their availability to conceal, camouflage, or visually blend the proposed facility into the surroundings, and an explanation why certain stealth technologies were selected or not selected as part of the proposed facility.

Response: *As previously mentioned, the proposed tower is designed as a monopine. This option was chosen because of the location amongst existing trees and vegetation (mix of evergreen and deciduous). The proposed stealth design is appropriate for the current site conditions.*

To further conceal the tower, the applicant is proposing to plant a row of evergreen trees along the south and west property lines. These trees will mature to roughly 30-40 feet in height and will provide an excellent screen. Finally, there will be a row of evergreen shrubs around the fenced equipment compound to add additional visual screening.

- F. The application fees required in Section 20.170.035.

Response: *All required fees noted in Section 20.170.035 will be paid by the applicant.*

¹ The Applicant notes that the City is preempted from considering radio frequency interference when reviewing this application. *New York SMSA Limited Partnership v. Town of Clarkstown*, 612 F.3d 97, 105 (2nd Cir. 2010).

- G. Such other information and materials that may be required.

Response: This is noted and understood. AT&T's application should be complete to show compliance with all applicable local, state, and federal regulations.

20. 170. 040 General siting criteria.

- A. Chapter 20.100 Tables of Permitted Land Uses identifies the zoning districts and the Review Level for wireless communication facilities and related structures. The development standards in Chapters 20.102 and 20.50 address setback and other site-specific factors. The siting criteria contained in this Chapter for wireless communication facilities and related structures are necessary to encourage the siting of those facilities in locations most appropriate based on land use compatibility, neighborhood characteristics, and aesthetic considerations.

Response: The proposed facility is located in the RN zone and requires approval through the Level 3 CUP process. The development standards, setbacks, and other site-specific criteria will be discussed throughout this Statement of Code Compliance and other Attachments to this application.

- B. Co-location on existing antenna support structures or alternative antenna support structures is required if technically feasible, available, and otherwise suitable for the proposed wireless communication services. Further, attachment of antennas to existing nonresidential structures and buildings primarily within industrial, and commercial zoning districts is preferable to additional antenna support structures. The City may request feasibility studies associated with applications for wireless communication facilities which demonstrate that locations on existing structures have been explored as the preferred siting alternative. The cost of such studies shall be the responsibility of the applicant.

Response: As previously discussed, there are no existing structures with the required height necessary for attachment/collocation. However, there will be space on this structure for others to collocate. See Attachment 18 - Alternative Sites Analysis for details on the search ring location.

- C. The following sites shall be considered by applicants as the preferred order for location of proposed wireless facilities including antennas, equipment, and equipment shelters. As determined feasible and available, and in order of preference, the sites are:
1. Existing or replacement antenna support structures and alternative antenna support structures: On any existing site or tower where a legal wireless communication facility is currently located.
 2. Industrial, Manufacturing: Structures or sites used exclusively for Industrial purposes. These are areas of more intensive land uses where a full range of public facilities are expected.

3. Publicly-Used Structures: Attached to existing public facilities such as water towers, utility structures, fire stations, bridges, and other public buildings within central commercial (CC), highway commercial (CH), light industrial/ commercial (IL/ C), heavy industrial (IH), and airport development(AD) zoning districts not utilized primarily for recreational uses. (Refer to Chapter 5. 03 Telecommunications, for rules and regulations specific to facilities located on City-owned land, buildings, or public right-of-way).
4. Central Commercial, Highway Commercial, and Heavy Industrial, and Light Industrial/ Commercial Zoned Sites: Structures or sites used exclusively for manufacturing, commercial, and office uses. These are areas of more intensive land uses where a full range of public facilities are expected.
5. Public Reserve Zoned Sites: Attached to existing public facilities such as water towers, existing or replacement utility structures, fire stations, bridges, and other public buildings within public reserve zones.
6. Neighborhood Residential, Multifamily Residential: Refer to sections 20.170. 050 and 20.170.070 for rules and regulations specific to facilities located within Neighborhood Residential and Multifamily Residential zones.
7. Other sites: Other sites where wireless communication facilities are permitted under Chapter 20.100 Tables of Permitted Land Uses.

Response: The siting hierarchy is noted and understood by AT&T. The area that the applicant needs to serve is primarily residential with no higher-ranked alternatives for placement. See Attachment 18 – Alternative Sites Analysis for details on other options for a new facility that were explored.

- D. The City may retain qualified experts to review application materials submitted by an applicant, and to provide technical and other advice to the City in considering issuance of requested authorizations and permits. Topics on which the City may retain experts include, but are not limited to, co-location, visual screening, buffering, and stealth design and technology of proposed facilities, radio signal coverage, the feasibility of providing the proposed services, and potential signal interference with radio communication systems for emergency services and related services, and similar wireless communication service issues.

If the City retains one or more experts on one or more topics related to an application package, the City shall develop a scope of work for each expert. This scope of work shall be made available to the applicant for a period of ten (10) days for review and comment. After ten (10) days, and after review of any input received from the applicant, the City may retain the expert(s) to perform the scope of work as finally determined by the City. Applicants shall be responsible for reasonable costs actually incurred by the City under this subsection. Applicants shall pay an initial deposit of \$1, 000. If actual costs are less than the deposit, the city shall refund the excess to the applicant. If actual costs exceed the deposit, the applicant shall pay the excess to the City no later than 30 days after receipt of an invoice for the excess from the City.

The City shall make available to the applicant all written reports and data produced under the scope of work, unless there is an applicable legal privilege or restriction on sharing such information with the applicant.

Response: This is noted.

Section 20.170.050 Siting within residentially zoned property.

A. Wireless communication facilities, antenna support structures, and all related structures are prohibited on properties zoned Neighborhood Residential (RN) or Multi-Family Residential (RM) unless:

1. The wireless communication facilities, antenna support structures, and all related structures are designed using stealth technology and placed on a parcel with a pre-existing non-residential use.
 - a. Examples of stealth design and technology of antenna support structures include but are not limited to facilities disguised as trees, flagpoles, bell or clock towers, freestanding church steeples.
 - b. The wireless communication facility and antenna support structure must comply with the height and setback limitations of Section 20.170.070(D)
 - c. For purposes of this chapter, "non-residential use" means, churches, synagogues, temples, or professional offices.

or,

2. The wireless communications facilities, antenna support structures, and all related structures are designed using stealth technology and placed atop the roof of a building that is greater than 35 feet in height:
 - a. Examples of stealth design and technology of alternative antenna support structures include but are not limited to facilities disguised with a pitched faux-roof, screened roof mounted antennas, antennas integrated into the building architectural design, placement of antennas that minimize visibility of the facility as viewed from public streets or residential properties.
 - b. The wireless communication facility must comply with the height and setback limitations of Section 20.170.070(D)

Response: To provide compatibility with stealth design in this location, AT&T proposes to install a new 65'-0" monopine on the Blue Mountain Community Church property. This facility will comply with all height and setback limitations of Section 20.170.070(D) as detailed in that section of this Statement of Compliance. As such, this proposal complies with the criteria for siting within residential zones.

B. This section shall not preclude co-location of facilities upon existing legally located antenna support structures or existing legally located attached antennas; provided, that such co-location does not substantially change the existing use or materially expand the physical dimensions of the

facilities at that location or is otherwise permitted as an Eligible Facilities Request under Section 20.171.080.

Response: Agreed.

Section 20.170.055 Siting near residentially zoned property.

- A. WCFs and related structures located outside of a residential zone shall be located 300 feet from any nearby residentially zoned property (measured from the facility to the property line of each nearby residentially zoned property).
- B. An exception to the siting restrictions in Subsection A of this section may be allowed if the WCF uses stealth technology and otherwise complies with the development standards of sections 20.170.050 and 20.170.070 and approved through the conditional use review process.

Response: The proposed facility is within a residential zone; thus, Subsection A is not applicable. Subsection B says there is an exception if the new WCF deploys stealth technology. Again, the new structure is designed as a monopine (fake tree), which is stealth technology and meets subsection 20.170.050. The requirements for Subsection 20.170.070 are discussed below.

Section 20. 170.060 Amateur radio towers— Development standards. (Not Applicable)

Section 20. 170.065 Large satellite dish antennas (Not Applicable)

Section 20.170.070 Support structures and antennas - Development standards.

- A. Development Standards for all Zoning Districts.
 - 1. The applicant shall demonstrate that the proposed location was selected pursuant to the siting criteria of Sections 20.170.040, 20.170.050, and 20.170.055. Placement of an antenna support structure shall be denied if the antenna support needs can be met by co-location on an existing antenna support structure or by mounting on an alternative antenna support structure which already supports an attached antenna. Placement of an attached antenna shall be denied if the antenna support needs can be met by co-location on an existing antenna support structure or by mounting on an alternative antenna support structure which already supports an attached antenna. Applications shall be required to provide documentation that comprehensive efforts to identify alternative locations were made.

*Response: As described in the previous sections, the proposed location was selected according to the criteria outlined in Sections 20.170.040, 20.170.050, and 20.170.055. Further, there are no collocation opportunities in the area that will allow the applicant to meet AT&T's coverage and capacity objectives. See **Attachment 18 – Alternative Sites Analysis**.*

The location on the property was chosen because of the existing trees and vegetation, providing screening on this site and with respect to views from the adjoining properties. The

facility deploys stealth technology; thus, it is not prohibited in the residential zones.

2. Owners and operators of the proposed structure shall provide information regarding the opportunity for collocation of other antennas. If feasible, provisions for future collocation may be required.

Response: *AT&T's proposed monopine has structural capacity to provide opportunities for future collocation.*

3. Antenna support structures under this section shall not located within any setback.

Response: *The proposed facility is not within any required setback areas in the RN zone. The entire compound will be setback approximately 543' from the front yard, 65' from the rear yard, 5' from the north side yard, and 65' from the south side yard.*

4. Antenna support structures and attached antennas shall not be used for the purposes of signage to display a message of any kind, except information signs required by law.

Response: *No signage is proposed or will be place on the antenna support structure or attached antennas other, other than safety signage consistent with federal regulations.*

5. Applications for antenna support structures or mounting an attached antenna upon an alternative antenna support structure shall include one or more proposals on how industry recognized concealment techniques can be employed to mitigate the visual effects of the antenna and antenna support structure. It is expected that the structures and vegetation surrounding the proposed location will be taken into account so that appropriate site-specific concealment alternatives can be analyzed by the site plan review committee.

Response: *The monopine will be located near the rear of the subject property, which includes dense trees and vegetation (both evergreen and deciduous). The existing trees and vegetation will be maintained to not only serve as further screening for the facility, but also to ensure the monopine blends with the existing surroundings. Additionally, AT&T is proposing a vegetative buffer of evergreen trees along the western and southern property lines to provide a visual screen between the Facility and the residential properties. There will also be a landscape buffer around the fenced equipment compound.*

6. Any fencing required for security shall meet screening standards of Section 20.170.080(A)(5).

Response: *The proposal includes security fencing (6-foot chain link) that will be surrounded by a proposed landscape buffer.*

7. A Washington licensed professional engineer shall certify in writing, over his or her seal, that both construction plans and final construction of the antenna support structure or alternative antenna support structure upon which an attached antenna may be mounted are designed reasonably to withstand wind and seismic loads as established by the International Building Code.

Response: Agreed. As part of this application, we have provided both a geotechnical evaluation and soil resistivity reports for design of the structural integrity of the pole, antennas, and other ancillary equipment (aerial and on ground) at this facility. At the point a building permit is submitted, there will be additional reports prepared that will address the above criteria.

8. All antenna support structures and attached antennas shall be removed by the facility within twelve months of the date it ceases to be operational, or if the facility falls into disrepair. Disrepair includes painting, landscaping or general lack of maintenance which could result in visual impacts.

Response: Agreed.

9. An attached antenna shall not dominate the appearance of the structure.

Response: Agreed. The attached equipment will be camouflaged by branches of the proposed monopine.

10. Antennas and support structures and attached antennas shall be located at a point farthest from a lot line.

Response: This property is a long, rectangular shape, and AT&T selected the specific location for the facility to maximize screening, mitigate impacts on neighboring properties, and meet the City's setback requirements. To the south of the proposed facility is a proposed residential development, while there is undeveloped church property to the north. As such, the position of the leased area 5' from the north property line will reduce impacts to the south. The pole is furthest away from the easterly property line. This location allows AT&T to take advantage of the existing landscaping/trees and vegetation on the property. It is located away from the western property line to meet the required setbacks, as well as to utilize the existing vegetation. If located more toward the eastern property line, it would lose the benefit of additional screening by the existing vegetation in the area.

11. The base of a ground-mounted antenna support structure shall be screened with fencing, walls, landscaping, or other means such that the view of the structure base is blocked as much as practical from any street and from the yards and main living floors of surrounding properties. The screening may be located anywhere between the antennas and the above-

mentioned viewpoints. Landscaping that qualifies for the purpose of screening shall be maintained in a healthy condition.

***Response:** The applicant is proposing evergreen vegetation around the perimeter of the leased area/facility. This will minimize the view of the ground equipment from the church property. Additionally, AT&T is proposing a vegetative buffer of evergreen trees along the western and southern property lines (with a mature height of 30-40 feet) to minimize the visual impact of the facility to the residences to the west and south. The church building will limit the view of the structure's base from the Sturm Ave right-of-way. Together, these proposed mitigative measures will screen the structure's base to the greatest extent practicable.*

B. Development Standards for Central Commercial Zone (Not Applicable).

C. Height Limitations. The following height limitations apply to antenna support structures including the antennas mounted thereon:

1. Properties zoned Central Commercial have a maximum height of fifteen feet above the building upon which the antenna is mounted.
2. Properties zoned Central Commercial, other than those designated in subsection (C)(1) of this section, have a maximum height of sixty-five feet.
3. Properties zoned Public Reserve, as provided in Section 20.50.080, but not to exceed a maximum height of sixty-five feet.
4. Properties zoned Highway Commercial, Light Industrial/ Commercial, and Heavy Industrial, the combined antenna support structure and antennas shall not extend more than fifteen feet above the maximum building height allowed for the property in the zone for which it is proposed.
5. Properties zoned Airport Development and Airport Approach must conform to standards provided by the Federal Aviation Administration.

***Response:** This section is not applicable as it does not apply to facilities in Neighborhood Residential zones. For details on height and setback limitations for the RN zone, please see section below.*

D. Height and Setback Limitations for Neighborhood Residential and Multi-Family Residential Zones.

1. Antenna Support Structures:
 - a. The WCF, antenna support structure and all related structures shall be set back a distance equal to the height of the WCF from the nearest residential line.
 - b. The combined antenna support structures and attached antennas shall have a maximum height of 65 feet from the existing grade.

Response: The proposed monopine is 65 feet tall. The entire facility, inclusive of the fenced compound, will be set back from the adjacent residential properties a minimum of 65 feet. (Note: The north property is also owned by the church and there is a minimum of 200 feet to the next non-owned residential property line.

2. Alternative Antenna Support Structures:

- a. Antennas placed upon an existing alternative antenna support structure shall not extend more than fifteen feet above the building upon which the antenna is mounted. This height limitation does not apply to antennas that are integrated into an existing alternative antenna support structures or antennas that are integrated into an alternative antenna support structure that is conditionally permitted under section 20. 102. 030.
- b. Any antenna fixed to an alternative antenna support structure shall not further encroach into the current setback of the alternative antenna support structure.

Response: This section does not apply, as AT&T is not proposing an alternative antenna support structure.

Section 20.170.080 Wireless communication facilities - Development standards.

- A. Development Standards for all Zoning Districts. The following standards shall be applied to all wireless equipment, such as antennas and equipment shelters, exclusive of the antenna support structure. Antenna support structures are regulated by Section 20.170.070.

1. No wireless equipment reviewed under this section shall be located within any conflicting easements or required setbacks.

Response: The proposed facility is not I any easement or required setback area.

2. Antennas mounted on alternative antenna support structures shall not extend more than 15 feet above the existing or proposed roof structure.

Response: Not applicable.

3. No wireless equipment shall be used for signage or message display of any kind, except for informational signs required by law.

Response: There is no proposed signage or message display except for required informative signs (compound).

3. Location of wireless communication antennas on existing buildings shall be screened or camouflaged to the greatest practicable extent by use of shelters, compatible

materials, location, color, and/ or other stealth design and technology tactics to reduce visibility of the antennas as viewed from any street or residential property.

Response: Not applicable.

5. Screening of wireless equipment shall be provided with one or combination of the following materials: fencing, walls, landscaping, structures, or topography which will block the view of the antennas and equipment shelter as much as possible from any street and from the yards and main floor living places of residential properties within approximately 500 feet. Screening may be anywhere from the base and the above-mentioned viewpoints.

Response: The proposed facility is located in the rear of the property and is over 500 feet from the east property line. The existing church will help screen the new facility from Sturm Ave. There is existing vegetation on the north, south, and west property lines (including various mature trees) that will mitigate the visual impact of the facility and ensure the monopine is not incongruous with its surroundings. This existing vegetation will be supplemented to provide additional screening. The applicant proposes to add evergreen trees along the south and westerly property lines to provide another visual buffer between the facility and the neighboring residential properties. Additionally, AT&T will provide a vegetative screen around the ground equipment.

6. Any fencing required for security shall meet screening standards of subsection (A)(5) of this section.

Response: AT&T is proposing a 6'-0" chain-link fence to secure the ground equipment. This fence will be surrounded by a landscape buffer.

7. Construction plans and final construction mountings of wireless antennas and equipment shelter shall be approved by the City's Building Division prior to any construction or site preparation. Applications shall document that the proposed structure and any mounting bases are designed to reasonably withstand wind and seismic loads.

Response: Agreed and will be compliant.

8. A WCF shall be removed by the facility owner within 12 months of the date it ceases to be operational or if the facility falls into disrepair and is not maintained. This includes structure features, paint, landscaping, or general lack of maintenance which could result in safety or visual impacts.

Response: Agreed and will be compliant.

9. The antennas shall not dominate the structure upon which they are attached and shall be visibly concealed utilizing color and compatible material to camouflage the facility to the greatest extent possible.

Response: As previously stated, the pole and aerial equipment will be camouflage as a monopine and will be colored (brown pole and green branches) as such. See Attachment 14 – Photo- Simulations.

10. Except as otherwise provided in subsection (B) herein solely in Commercial and Industrial Zones, associated above ground equipment shelters shall be minimized and shall not exceed 240 square feet (e.g., 12' x 20') unless operators can demonstrate that more space is needed to support antenna co-location. Shelters shall be painted a color that matches existing structures or the surrounding landscape, a visual screen (see Landscape Standards) shall be created around the perimeter of the shelter, and operators shall consider under-grounding equipment if technically feasible or placing the equipment within existing structures.

Response: No ground equipment shelter is being proposed. Proposed cabinets will be screened within the fenced compound.

- B. Additional Development Standards in Commercial and Industrial Zones— Wireless Communications Facilities. **(Not Applicable).**

Section 20.170.085 - Removal of wireless communication facilities.

- A. Provider to Give Notice of Abandonment or Discontinuance of Service.

1. No less than 30 days prior to date that a wireless service provider plans to abandoned or discontinue operation of a WCF or any significant component thereof, the provider must notify the city by certified U.S. mail of the proposed date of abandonment of a facility or discontinuance of operation of such facility.
2. Failure of a service provider to give such notice will constitute grounds for the city to declare the permit for the site suspended, thereby placing the facility in violations of Sections 20.14.09 and 20.170.030.

Response: Agreed and will be compliant.

- B. Discontinued Service or Abandonment of Site – Removal Required.

1. Any WCF which is abandoned and/or which does not provide service for at least 4 months in any running 6-month period is declared to be in violation of its permit in that it is not meeting the conditions of approval as provided in Section 20.14.09.

2. A facility which is abandoned or discontinued shall be removed within 90 days of said abandonment or discontinued service. Any facility which is not timely removed with this subsection is declared a public nuisance.

Response: Agreed and will be compliant.

C. Disrepair, Hazard, Nuisance, Improper Maintenance—Abatement Required.

1. When the city determines the WCF or any significant component thereof is in a state of disrepair, presents a safety hazard to the public, constitutes a public nuisance due to disrepair or improper maintenance, or is not properly maintained, the city shall notify the owner of the facility of such concern by certified mail. Such notice shall specify the problems and the expected resolution.
2. By certified mail, the facility owner shall specify the actions which will be undertaken to rectify the problems with the site. The city may accept or modify the proposed actions as it determines necessary. Such actions shall be completed within sixty days of the original date of notice provided in subsection (C)(1) of this section.
3. Failure to complete the work specified by the city shall constitute a violation of the permit as provided in Section 20.14.09(A).

Response: Agreed and will be compliant.

D. Responsible Parties Determined and Responsibility Assigned.

1. The owner of the communications facility, the lessee of the property upon which the facility is located (if different from the owner of the facility), and the owner of the property (if different from the owner of the facility) are individually, jointly, and severally responsible for the removal of the facility as described in subsection B of this section.
2. Should the responsible parties fail to remove a facility or component thereof, or resolve maintenance issues, as directed by the city pursuant to this section, the city may remove the facility at the expense of the responsible parties.
3. The city may pursue recovery costs for its actions from any and all responsible parties through any means available in courts of competent jurisdiction.

Response: Agreed and will be compliant.

Section 20.170.090 – Special Exception. The City may allow Special Exemption to the WCF development standards in this chapter, if the applicant can demonstrate legitimate safety or aesthetic development standards of this chapter cannot be met, thereby having significant gap coverage.

The final authority for granting of the Special Exception shall be the same as that of permit approving the antenna location. A request for a Special Exception shall be processed in conjunction with the permit approving the antenna location and shall not require any additional application fees. Special Exceptions do not apply to variations from the International Building Code.

***Response:** No special exception is being requested, as the proposed facility complies with the WCF development standards of Chapter 20.170.*

General Requirements

Section 20.50.020. RN Zone – Neighborhood Residential.

The permitted uses in this zone are outlined in the revised Chapter 20.100 and are categorized Level I through Level IV and designated 1-4 in the Tables of Permitted Land Uses. The minimum Yard Setbacks are as follows:

- Front: 20 feet
- Side: 5 Feet
- Rear: 20 feet

***Response:** Wireless Communication Facilities (WCFs) located in the RN zone require a Level III Conditional Use permit review. The applicant has submitted this request under these regulations, including SEPA. As detailed in **Attachment 17 – Zoning Plan Set**, the yard setbacks for this zone are being met by this proposal.*

Chapter 20.216 Conditional Use.

Section 20.216.040 (General review Criteria, decision process).

- A. The Hearing examiner shall make findings of the fact and state of reasons for granting the Conditional Use Permit. The findings of fact to include:
1. The use will not endanger the public health or safety if located and developed where proposed, and that the use will not allow conditions which will tend to generate nuisance conditions to adjoining properties;

***Response:** This is an unmanned facility that will operate 24/7. It will be secured within a locked, fenced compound surrounded by a landscaped buffer. (Note the minimum setback is 65', or the height of the pole.) WWMC 20.110.080 states the maximum height of a fence in residential zones is 5 feet (front yards) or 6 feet (rear and side yards). Thus, AT&T will be compliant with this regulation.*

The facility will be designed and constructed to the International Building Code standards to ensure its structural integrity, including being designed to withstand the required wind and seismic forces.

*AT&T complies with all FCC regulations relating to RF emissions as detailed in **Attachment 8 – NIER Report (Rev)**. When reviewing a site-specific application, a jurisdiction is prohibited from*

considering the environmental effects of RF emissions (including health effects) if the site will operate in compliance with federal regulations (47 U.S.C, Section 332(c)(7)(B)(iv)).

2. That the location and character of the use, if developed according to the plans submitted and approved or conditionally approved, will be compatible and in harmony with the area in which it is to be located;

Response: *As proposed, this will be a 65-foot monopine (59-foot pole + 6' lightning rod). This site is in an undeveloped area of the parcel and there is existing mature trees and vegetation to the north. This foliage and the church buildings will provide a screen to the east; with the closest residences over 400 feet away. The use, camouflaged as a tree, is compatible with the neighborhood and will blend in nicely while providing a needed service. The applicant will be adding additional evergreen trees along the south and west to provide a screen from the facility to the residences to the south and west. Finally, there will also be vegetation (evergreen) around the compound to screen the ground equipment from all neighboring views. Additionally, the facility will not impact the use of the subject property for its own use (church) nor the use of the surrounding properties for residential purposes.*

3. That Conditional Use Permit approval would be in general conformity with the Walla Walla Area Comprehensive Plan as amended;

Response: *Telecommunications are discussed in the Capital Facilities and Utilities (CFU) Section of the Comprehensive Plan. CFU Policy 1.3 requires the City's WCF ordinance is updated to account for new technology while remaining consistent with the community's vision and needs.*

CFU Policy 1.4 *states that telecommunications services are provided at a level that enables residents and businesses to compete in the global marketplace while minimizing negative impacts on the aesthetic character of the community. This proposal is providing "gap" coverage and the ability for the residents to connect to a viable wireless service and grow their business. The proposal deploys stealth technology (monopine) at a height (non-obtrusive) and "in-kind" to the natural setting; thus, minimizing the impacts to the neighborhood.*

4. That the use meets all required conditions and specifications set forth in the zone where it proposes to locate.

Response: *The City's new wireless ordinance has provisions for locating a WCF under Section 20.170.050. WCFs are not allowed in the RN zone, unless they are located on a non-residential use property AND designed using stealth technology. Furthermore, per Section 20.170.070(D), the height may not exceed sixty-five feet (65'). This proposal meets all these requirements. The property is owned by a church, and the applicant is proposing a 65-foot monopine.*

- B. To ensure the establishment of the above conditions, the Hearing Examiner shall have the authority to require and approve specific plans, to increase the requirements set forth above, and the requirements specified elsewhere in this code. But in no case shall the Hearing Examiner have the authority to decrease the requirements of this code through the Conditional Use Permit process. Any such decrease in the requirements of this code shall only be granted upon the approval of a Variance request.

Response: Agreed and will be compliant to the Hearing Examiner's decision.

- C. If the potential adverse impact of permit approval cannot be mitigated through imposition of conditions to a degree which assures that adjacent properties will not be unreasonably impacted, this shall constitute grounds for denial of the Conditional Use Permit.

Response: Agreed and will be compliant to the Hearing Examiner's decision.

Section 20.216.050 Conditions of approval.

To ensure that a Conditional Use proposal meets the general criteria, the Hearing Examiner may impose any of the following conditions as part of a Conditional Use Permit. Each condition imposed shall be accompanied by a finding which supports such a condition.

- A. The manner in which the use is conducted may be limited, including restricting hours of operation and imposing restraints to minimize such environmental effects as noise, vibration, air pollution, glare, or odor.
- B. A special yard, other open space or lot area or dimension in excess of any specified minimum may be established.
- C. The height, size, or location of a building or other structure may be limited.
- D. The size, number, location, and nature of vehicle access points may be designated.
- E. Required street dedication, roadway width, or improvements within the street right-of-way on adjacent streets may be increased.
- F. The size, location, screening, drainage, surfacing, or other improvement of a parking or loading area may be designated.
- G. An overall drainage plan of the property and construction of drainage ways, sumps, and other drainage structures may be required.
- H. The number, size, location, height, and lighting of signs may be specified.
- I. The location and intensity of outdoor lighting may be limited, and shielding may be required.
- J. Diking, screening, landscaping, or other methods to protect adjacent or nearby property from noise, light, traffic, or litter may be required. The hearing examiner may set standards for installation and maintenance.
- K. The size, height, location, and materials for a fence may be specified.
- L. Protection and preservation of existing trees, vegetation, or water resources shall be encouraged. (Ord. 2000-6 § 2(part), 2000: Ord. 97-14 §§ 82, 83, 1997).

***Response:** AT&T notes the above and respectfully requests approval of this proposal subject only to the standard conditions of approval. As detailed throughout this document, the new Code allows a maximum height of 65'—as proposed. The pole will be stealth (monopine) and located towards the rear of the property and a minimum of 65' from the residences along the westerly property line. No lighting is proposed. Finally, no trees will be removed to install the facility; rather, they will help provide a screen to the project. Evergreen trees (30-40 feet at maturity height) will be planted along the west and south property boundaries for additional screening from the facility. A landscaper buffer with evergreen plants (10-15' at maturity) will be planted around the leased area.*